IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3442 OF 2007
IN
CIVIL APPLICATION NO.5514 OF 2006
IN
FIRST APPEAL NO.3173 OF 2006

Ajay Babulal Shah ...Applicant

Versus

Shri Mahadev Balakrishna Kakade & Ors. ...Respondents

Shri Uday Warunjikar for the Applicant.
Shri Umesh Mankapure for the Respondent Nos.1a to 1f.

CORAM : ABHAY S.OKA, J.
DATED : AUGUST 29, 2007.

P.C.:

1. As the prayer in this Application is for modification of order dated 15th January, 2007, this Application is placed before this Court. The first prayer is for modification of the order by permitting the Applicant to submit a surety and/or security for the decretal amount instead of depositing the decretal amount. No case is made out to make such a modification.

2. It is stated that in execution proceedings, a sum of Rs.50,000/- has been recovered from the Applicant by the original Plaintiffs. Considering the facts and circumstances of the case, the time granted by this Court to deposit the amount can be extended subject to

the Applicant complying with certain conditions.

3. Hence, time granted by this Court by order dated 15th January, 2007 to deposit the decretal amount is extended till 30th November, 2007 subject to condition that the Applicant will deposit 50% of the decretal amount payable as of today within a period of six weeks from today. It is made clear that no further extension will be granted. The returnable date of the Civil Application No.5514 of 2006 is now fixed as 04th December, 2007. Till returnable date, the original Plaintiff will not be permitted to withdraw the amount. Civil Application is disposed of in above terms. No orders as to costs.

JUDGE